

NEW SOUTH WALES

DRAFT GOVERNMENT BILL

Paintball Amendment Bill 2022

Explanatory note

Overview of Bill

The object of this Bill is to amend the *Paintball Act 2018* (*the Act*) to address recommendations of the Statutory Review of the Act.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Paintball Act 2018 No 44

Schedule 1[1] extends the requirements relating to the supply and disposal of paintball markers to firearms and prohibited weapons dealers in other States and territories that supply paintball markers to permit holders in NSW. Schedule 1[7] makes a consequential amendment.

Schedule 1[2] amends section 12 to make it clear that the holder of a paintball marker permit may purchase and possess more than one paintball marker.

Schedule 1[3] amends section 13 to make it clear that the holder of an international paintball competitor permit may possess more than one paintball marker.

Schedule 1[4] amends section 34 to require paintball markers to be transported in strong lockable bags or containers that are locked.

Schedule 1[5] inserts proposed section 36A to require holders of paintball venue permits to display certain permit details—

- (a) in a prominent position at the entry to the venue, and
- (b) on websites and social media platforms that provide information about the venue.

Schedule 1[5] inserts proposed section 36B to make it a condition of a paintball venue permit that the permit holder sights the paintball marker permit of a marker permit holder who intends to use their own paintball marker at the venue.

Schedule 1[6] inserts proposed Part 4, Division 3, to make it a condition of a paintball marker permit that a permit holder who intends to use their own paintball marker at a paintball venue must show their permit to the holder of the venue permit before entering the venue.

Schedule 1[8] provides a power to the Secretary to exempt specified persons or classes of persons from the restriction on use of paintball markers only at authorised paintball venues.

Schedule 1[9] sets out the intention of the Act to have extraterritorial application so far as the legislative powers of the State permit.

Schedule 2 Amendment of Paintball Regulation 2019

Schedule 2 amends the *Paintball Regulation 2019* to provide for penalty notice offences.

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public consultation draft

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Paintball Amendment Bill 2022

No , 2022

A Bill for

An Act to amend the *Paintball Act 2018* to make miscellaneous amendments resulting from a review of the *Paintball Act 2018*.

public consultation draft

Paintball Amendment Bill 2022 [NSW]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Paintball Amendment Act 2022*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Paintball Act 2018 No 44

[1] Section 3 Definitions

Insert after the definition of *authorised supplier*, paragraph (c)—

- (d) the holder of an authorisation issued under the law of another Australian jurisdiction equivalent to—
 - (a) a firearms dealer licence under the *Firearms Act 1996*, or
 - (b) a weapons dealer permit under the *Weapons Prohibition Act 1998*.

[2] Section 12 Paintball marker permit

Omit “a paintball marker” wherever occurring in section 12(1)(a) and (b).

Insert instead “1 or more paintball markers”.

[3] Section 13 International paintball competitor permit

Omit “a paintball marker” from section 13(1)(a).

Insert instead “1 or more paintball markers”.

[4] Section 34 Transport of paintball markers

Omit section 34(1)(b). Insert instead—

- (b) in a strong lockable bag or container that—
 - (i) is locked, and
 - (ii) conceals the paintball marker, and
 - (iii) does not indicate that the bag or container contains a paintball marker.

[5] Sections 36A and 36B

Insert after section 36—

36A Display of paintball venue permit details

The holder of a paintball venue permit must display a copy of the permit or the permit number and the name of the permit holder in the following ways—

- (a) in a prominent position at the entry to the paintball venue,
- (b) if the holder of the permit makes information about the venue available on a publicly accessible website maintained by the holder—in a prominent position on the website,
- (c) if the holder of the permit makes information about the venue available on a publicly accessible social media platform—on the social media platform account page for the venue or permit holder.

Maximum penalty—20 penalty units.

36B Use of non-venue paintball markers at paintball venue

The holder of a paintball venue permit must ensure a person is not permitted to use their own paintball marker at a paintball venue unless the person has shown their paintball marker permit to—

- (a) the holder of the paintball venue permit, or
- (b) an employee of the holder of the paintball venue permit.

Maximum penalty—200 penalty units.

[6] Part 4, Division 3

Insert after Division 2—

Division 3 Conditions of paintball marker permit

41A Requirements of Division are conditions of paintball marker permit

The requirements set out in this Division are conditions of every paintball marker permit.

41B Use of own paintball marker at paintball venue

The holder of a paintball marker permit must not use their own paintball marker at a paintball venue unless the holder shows the permit before entering the venue to—

- (a) the holder of the paintball venue permit, or
- (b) an employee of the holder of the paintball venue permit.

[7] Section 66 Provision of information to Secretary about supply or disposal of paintball markers

Omit section 66(5). Insert instead—

- (5) In this section—

permit number means—

- (a) for the holder of a firearms dealer licence under the *Firearms Act 1996*—the number of the licence, and
- (b) for the holder of a weapons dealer permit under the *Weapons Prohibition Act 1998*—the number of the permit, and
- (c) for the holder of an authorisation issued under the law of another Australian jurisdiction equivalent to a firearms dealer licence or a weapons dealer permit—the number of the authorisation.

[8] Section 79 Exemptions

Insert after section 79(1)—

- (1A) The Secretary may, by written notice, exempt a specified person or class of persons from the operation of section 5.

[9] Section 82

Insert after section 81—

82 Extraterritorial application

This Act is intended to have extraterritorial application so far as the legislative powers of the State permit.

Schedule 2 Amendment of Paintball Regulation 2019

Schedule 2 Penalty notice offences

Insert in appropriate order under the heading **Offences under the Act**—

Section 36A	\$1,320	\$330
Section 36B	\$3,600	\$720